

*Town of North Andover  
PLANNING BOARD*

*John Simons, Chairman  
Lynne Rudnicki  
Michael Colantoni*



*David Kellogg  
Lora McSherry  
Peter Boynton*

*Tuesday March 3, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845*

Present: J. Simons, M. Colantoni, L. Rudnicki, D. Kellogg, Peter Boynton

Absent: L. McSherry

Staff Present: Jean Enright, Bonnie Wolstromer

J. Simons, Chairman: The planning board meeting for Tuesday, March 3, 2015 was called to order at 7 p.m.

**ANR:**

16 Berry Street: This is an ANR application for a lot line modification, deeding two parcels back to the Town of North Andover for the realignment of Berry Street as described in the Comprehensive Permit granted in 2014 for Riding Academy Preserve.

J. Enright: This ANR is associated with the 40B comprehensive special permit that was issued recently for 16 Berry Street. Eric Loth, of NA Holdings, will present the site plan.

E. Loth, Applicant: Currently there are two issues regarding the entrance onto Berry Street off of Route 114, which originated as a very narrow cow path. The existing forty five degree angle does not allow for vehicles to decelerate as they enter Berry Street off Route 114. As part of the comprehensive permit and feedback from the neighbors, Town engineer and Mass DOT, they would like to see the intersection of 114 and Berry Street improved to become a 90 degree intersection. We have also agreed to address the blind curve, further down Berry Street. We would like to straighten that curve as part of this effort. We have therefore agreed to make the intersection of Route 114 a 90 degree turn and deed two pieces of our land back to the town so the roadway will be within the town's ownership. (Parcels X and Parcels A1-A5)

J. Simons: Expressed concern that the plan is showing multiple, subdivided lots which need to be eliminated for clarification. We need to see the before and after lot lines. Stated that it is unclear as to what the Board is being asked to sign off on. Suggested that this application should be withdrawn without prejudice and that a plan that eliminates the individual lots and highlights the two lots be resubmitted.

E. Loth: Agreed to the approach suggested by the Board.

MOTION: A motion was made by David Kellogg to allot the withdrawal of the ANR application for 16 Berry Street without prejudice. Michael Colantoni seconded the motion. The vote was 5-0, unanimous in favor.

**PUBLIC HEARINGS**

CONTINUED: 1046 Great Pond Road "Rudick Estates": Application for Definitive Subdivision to divide one lot into three lots, relocate one existing home on-site and remove one structure

D. Kellogg: Read a letter dated March 2, 2015 from John T. Smolak into the record. The letter requested that the Board continue the pending Definitive Subdivision hearing and requesting the Board to open the Watershed Special Permit hearing and to immediately continue the same without taking testimony.

John Smolak, Representing the applicant: We hope to have the Definitive Subdivision for Rudick Estates ready for discussion at the next meeting.

NEW WSP: 1046 Great Pond Road "Rudick Estates": Application for a new Watershed Special Permit for construction of a new storm water management system designed to capture and treat storm water originating from Great Pond Road

J. Simons: We have officially opened the Watershed Special permit without testimony. If there is any delay we can obtain a further extension.

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**DISCUSSIONS:**

Former Bradstreet School: The applicant, Bradstreet Partners, LLC, is here to discuss potential modifications they may like to make to the recently approved Special Permit.

M. Yanowitz: We received the Special Permit on this project last month and we publicly stated the interest in dividing the parcel into two phases and also we had the intention of doing an ANR for the residential and commercial portions. There are presently two buildings on one parcel of land. Explained they were working off of two professional surveys done on the property that both showed an R4 separation from the GB zone. The residential building was placed in the R4 and commercial building in the GB zone. We are close to finalizing our financing on the residential building (rental apartments-intended to be held by Bradstreet Partners) and we are marketing the commercial building as commercial condos and commercial leases. The separation of the buildings and lots assists us with our financing goals. It makes it simpler to finance them separately and we are building them separately. We recently discovered that the surveyor's plans were incorrect. The entire parcel has since been rezoned as a General Business zone in the Downtown Overlay District. It became difficult setting up two separate zones because now we are short on frontage by approximately 6ft. It is an irregular shaped lot. We have over 50K sq. and the minimum requirement is 25K. The original plan has not changed from what was presented and approved by the Selectmen. Ideally, we would like to subdivide the parcels. Reviewing the DTO district the Planning Board has the right to grant waivers Inn Section 18.7 and we are wondering what the possibilities are.

J. Simons: I understand with what you are trying to do, it could potentially be a cleaner conveyance; however, you are creating a self-created zoning variance by splitting the lot into two parcels. It doesn't make sense why you would want to create a zoning violation on your own. One single parcel is simpler and shouldn't pose any problem. The condition is common, occurring at several areas in town - multiple buildings on a single parcel. We didn't carve that project into two separate lots. It is not understood why this creates a huge problem. It is the norm on a large commercial project.

L. Rudnicki: Do you intend to move the driveway?

M. Yanowitz: We have a verbal agreement to combine the two driveway entrances off of Main St. It is premature at this point to bring this before the Board. It is a minor revision encouraged by the Downtown Overlay-turning two adjacent entry points off Main Street into one.

L. Rudnicki: We also mentioned the preference for a sidewalk from the rear lot for the residential units to have straight access to Main Street. Will this been provided?

M. Yanowitz: We may lose up to four parking spaces if we do that. We can certainly study that further.

L. Rudnicki: Do you have the necessary setbacks from the commercial property to the residential property that you would need to subdivide the lot? In the DTO, commercial lots require a fence and 5 ft. barrier of screening? You wouldn't have that and you would be creating a need for more waivers.

J. Simons: It is considered one property. Why you would want to carve it up? The problem is you create a lot that is too small. You can't create a zoning violation.

M. Yanowitz: We have over 50K in lot area. We can move the line and create 25k on each lot. It is an irregular shaped lot.

J. Simons: You don't have the frontage. It is a self-inflicted hardship. It is not an irregular shaped lot. It is as close to rectangular as can be.

J. Enright: The application was submitted with a lot size of 49K sq. ft. and the special permit says approx. 49K although the assessor card has 1.15 acres. The application is for one lot within General Business and within the Downtown Overlay. The plan has General Business noted.

M. Yanowitz: Our plans say General Business and Resident 4 district on the table. An R4 zone requires a 100 ft. lot width.

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89 L. Rudnicki: Do you have your setback requirements for each lot, parking requirements for each individual lot?  
90 There is more than one variance for frontage. A commercial property abutting a residential property requires  
91 different setbacks. There are border and screening requirements. If it's one lot you can do it under the same  
92 ownership, but you can't do this if it's more than one lot and owner?

93 J. Simons: You are only trying to do this for conveyance purposes?

94 M. Yanowitz: It's for financing as well as for the structure of doing commercial condominiums.

95 L. Rudnicki: Your financing is not in place yet? You are selling the commercial off to other ownership?

96 M. Yanowitz: We have the financing in place for the residential. We are marketing the commercial side.

97 J. Simons: If you condo it you, regardless of whether the lot is smaller or larger, you are still going to have  
98 fundamentally the same condominium structure.

99 M. Yanowitz: We are not changing anything with the plan.

100 L. Rudnicki: That is the problem, you have to. The condo owners are not going to let the residential park on their  
101 property.

102 M. Yanowitz: You can do that with cross easements.

103 J. Simons: This is not what was proposed to us. You are creating a zoning violation for something that doesn't  
104 need to get changed. From a financing perspective you should be able to figure out a way around that.

105 M. Yanowitz: The intent of this exercise was to have the discussion. This needs further review.

106 J. Simons: From what we have seen thus far, this is problematic from a Planning point of view.

107 J. Enright: How would the Planning Board advise the applicant to proceed?

108 J. Simons: I suggest a modification to the Site Plan Review. It's almost like a completely new hearing, notice to  
109 neighbors, etc.

111 Downtown Overlay District – Sub district A: Historic Mill Area:

112 J. Enright: Presented the draft of the proposed Warrant article. We have been fine tuning the language addressing  
113 concerns such as height and scale transitions from residential to mill buildings and vice versa. We specifically  
114 worked on the heights of buildings.

115 L. Rudnicki: Specifying building heights is our main concern. Explained the proposed varying height limits  
116 across the parcels. We discussed the Converse building which is approx. 65-70 ft. in height and our concern is  
117 that we don't want a 70 foot building near the residential units on High Street or on the corner of Walker Road.  
118 New language has been proposed that works. Setbacks to Sutton Pond were also reviewed. Sutton Pond condos  
119 have a row of arborvitaes, chain link fence and parking along that side. There is enough of a buffer for the  
120 standard setbacks on that side of the property. Expressed concerned about the power lines that go to Sutton Street.  
121 Felt those should be moved.

122 S. Zeren, RCG: We are discussing these with National Grid now. There is a lot of history with regard to various  
123 easements in and title to the area.

124 J. Simons: I know this is a constraint. Obviously it's above and beyond the zoning, but we need to work together  
125 on this. Bring us into the mix if you run into a problem.

126 D. Steinbergh, RCG: There are a number of easements besides the power lines. The power lines are in a certain  
127 kind of easement that also requires them to be undergrounded at some point. Some are outside of the easement  
128 they are originally supposed to be in. We will establish disposition of these lines and develop direction toward  
129 undergrounding these lines, align sewer easements, etc. We would like to sort it out independent of the zoning and  
130 will hope to get support from the town to deal with these issues.

131 L. Rudnicki: We also included language to protect the residences in the Design Guidelines. As buildings get closer  
132 to the residential area we are expecting them to step down in height.

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L. Rudnicki: Town Council needs to review this and fine tune a couple of minor points.

J. Simons: Is there a placeholder in the warrant? Do we have the appropriate map(s)?

J. Enright: If the Board approves this draft it will be submitted as a placeholder. I have drafts for two map articles. As discussed previously, some parcels that were previously in the Downtown Overlay on the Zoning Map have dropped off the map. I have included the original Downtown Overlay map from the 2009 Town Meeting in the Board's packet and highlighted the parcels that are no longer hatched or shown in the Downtown Overlay. These need to be corrected.

J. Simons: Was the 2009 version correct and approved at Town Meeting?

J. Enright: Yes; however, since then these parcels are no longer identified on the map as within the DTO. In 2013 the Zoning Map was completely re-codified.

J. Simons: So, there are three articles. Put in as a Warrant placeholder and send to Town Council.

L. Rudnicki: Four articles, because we have to rescind the temporary waiver provisions in the Downtown Overlay.

J. Enright: I have included deleting those waiver provisions and incorporated everything in one article.

J. Enright: Do you want direct abutters notified of the zoning public hearing?

J. Simons: There is no harm in transparency. A regular mailing is fine. Check to see if there are any statutory requirements.

J. Enright: The legal zoning notice will be publicized in the paper on March 24 and March 31, with a public hearing on April 7. This allows for 3 meetings prior to Town Meeting.

D. Kellogg: Raised concern about traffic flow around Elm and High streets and Prescott Street.

D. Steinbergh: The town is working on some improvements along Elm and High streets. We intend to address street improvements and alignments and pedestrian flow in our master plan.

Osgood Hill: Forest Management Plan

J. Enright: Described a proposed Forest Management Plan approved for Osgood Hill. Conservation received a grant for this proposal. The work is not within 400' of the lake; however, it is in the non-discharge zone because it is within 350' of a wetland. Jen Hughes, Conservation Administrator, wanted to make the Board aware this project and wanted to know if a waiver was necessary. They would like to begin the work by the end of the month.

Board: The Board did not feel a waiver was necessary.

**MINUTES APPROVAL**

MOTION: L. Rudnicki motioned to approve the February 17, 2015 meeting minutes. Motion seconded by David Kellogg. The vote was 5-0, unanimous in favor.

**ADJOURNMENT**

MOTION: D. Kellogg motioned to adjourn the meeting. The motion was seconded by L. Rudnicki. The vote was 5-0, unanimous in favor. Meeting adjourned @ 8:00 p.m.

**MEETING MATERIALS:**

Meeting Agenda 3.3.15; DRAFT Meeting Minutes 2.17.15; 16 Berry St.: Site Plan, Form A Application 16 Berry Street; 1046 GPR Definitive Subdivision: 1046 GPR Continuance Request 3.3.15, 1046 GPR G. Willis easement requirement, 1046 GPR Rudick Estates Definitive Subdivision, 150303 1046 GPR Definitive Subdivision; 1046 GPR WSP: 1046 GPR WSP Manhole detail, 1046 GPR WSP sheet 1, 1046 GPR WSP sheet 2, 1046 GPR WSP

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177 sheet 3, 1046 GPR WSP sheet 4, 1046 GPR WSP DRAFT; Bradstreet School: Bradstreet School Notice of  
178 Decision SPR, Bradstreet School final plans 2014.12.29-2384C set; Downtown Overlay: DTO 150303 Section 18  
179 Downtown Overlay District, DTO Map Corrections, DTO Sub district A, DTO Subdistrict A locus, DTO Sub A  
180 Summary Slides; Osgood Hill: Osgood Hill Forest Cutting Plan, Osgood Hill J. Hughes Memo, Osgood Hill  
181 Locus, Osgood Hill Forest Management Plan 2013.  
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